

PATENT
P-2821RI

jc526 U.S. PTO
09/082247
05/20/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): James G. Nadeau et al.

SERIAL NO.: Not Assigned

GROUP: Not Assigned

FILING DATE: May 20, 1998

EXAMINER: Not Assigned

FOR: DETECTION OF NUCLEIC ACID AMPLIFICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

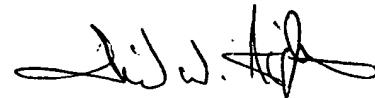
INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97(b)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN
AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR
PATENTS., WASHINGTON, D.C. 20231

ON: May 20, 1998
(DATE OF DEPOSIT)
BY: Mary Lou Kittren
(NAME)
Mary Lou Kittren 5-20-98
(SIGNATURE) (DATE)

Applicant(s) hereby request consideration of the documents cited on the accompanying Form PTO-1449. Copies of the documents are enclosed for the Examiner's convenience.

Respectfully submitted,



David W. Hight, Esq.
Attorney/Agent for Applicant(s)
Registration No. 30,265

BECTON DICKINSON AND COMPANY
1 Becton Drive
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(201) 847-5317

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Nadeau et al.) Group Art Unit: 1634
)
REISSUE Application No.: 09/082,247) Examiner: S. Houtteman
)
Filed: May 20, 1998)
)
For: METHOD FOR DETECTING A)
 TARGET NUCLEIC ACID)

**INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of an IDS is required.
- The fee of \$240.00 as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- A certification under 37 C.F.R. § 1.97(e), a petition requesting consideration of the information disclosure statement, and the petition fee of \$130.00 as set forth in 37 C.F.R. § 1.17(i) are also enclosed.
- Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of \$_____ is enclosed for the fee due.

Information Disclosure Statement Transmittal Letter
ReissueApplication No. 09/082,247
Attorney's Docket No. 010091-037
Page 2

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____


Robin L. Teskin
Registration No. 35,030

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 31, 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Nadeau et al.)
REISSUE Application No.: 09/082,247) Group Art Unit: 1634
Filed: May 20, 1998) Examiner: S. Houtteman
For: METHOD FOR DETECTING A)
TARGET NUCLEIC ACID)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Protestors hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98 and 1.291. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The significance of the attached documents is as follows:

The letter from David Hight, Senior Patent Attorney for Becton Dickinson, dated August 17, 1998, shows that the present Applicants have been aware of U.S. Patent 5,763,181 of Han et al. since at least that date.

U.S. Patent 5,550,025 and the Mol. Cell. Probes article by Walker et al. are attached merely because they are mentioned in the above letter.

Information Disclosure Statement
Application No. Reissue of Appln. No. 09/082,247
Attorney's Docket No. 010091-037
Page 2

U.S. Patent 5,763,181 by Han et al. is attached to illustrate by comparison the lack of enablement and supporting disclosure in the present reissue application for new claims 26 and 36.

WO 92/18650 is cited at col. 8, first paragraph of the reissue application and is attached for the Examiner's convenience.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialled copy of this form be entered into the file.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Robin L. Teskin

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